1608/1724.

THE CASE OF His Majesty's Ship *Augusta*,

In Relation to the CAUSE depending

Between Her and His MAJESTY's Ships

MARLBOROUGH & PRINCESS MARY.

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THE

CASE

OF

His Majesty's Ship Alfred.

In Relation to the CAUSE depending

Between Her and His Majesty's Ships

MARLBOROUGH & PRINCESS MARY.

BIBLIOTECA NACIONAL

THE CASE OF His MAJESTY's Ship AUGUSTA, &c.

ADMIRAL Cotes, after the departure of Mr. *Kerſin*'s ſquadron, which had been lately attacked off Hiſpaniola, by captain Forreſt, with the captains Suckling and Langdon, put to ſea with the Auguſta, captain Forreſt, the Marlborough, captain Faulkner, and the Princeſs Mary, captain Craven. Dec. 6, 1757.

Off Tiburoon the Auguſta ſeparated from the admiral in chace. 13th

She took a French ſloop, L'Janetta, from Port au Prince, and received intelligence of a fleet ready to ſail from thence to Europe. In the afternoon of the ſame day, ſhe chaſed two privateers from the ſhore to the offing, 14th

where

where the admiral and Princeſs Mary appearing, turned them in again, ſo that they were taken, and the ſquadron joined. Here the above intelligence was communicated by captain Forreſt to the admiral; at the ſame time propoſals were made to the officers of the Auguſta, for ſharing prize-money with the other ſhips during the cruize; but theſe propoſals were abſolutely refuſed: firſt, becauſe the officers of the Auguſta thought themſelves more alert in cruiſing than the pthers: ſecondly, becauſe they imagined the admiral would ſoon retire to Port Royal; and laſtly, becauſe the fifth is greater than the eighth of any dividend whatſoever.

18th Being then off the platform, near Cape Nicholas, the admiral diſpatched his little tender to look into Port au Prince.

20th The Auguſta ſpoke with a Dane, from Petit Goave, who confirmed the firſt intelligence, and the Auguſta ſent her to the admiral.

21ſt The tender returned, having taken out a white man and a negro woman from a little French fiſhing boat, whom they ſent on board the Marlborough; here the tender confirmed the intelligence: and further, brought word, that the ſhips were hauled out into deep water. Captain Forreſt, at the ſame time, delivered a plan he had finiſhed to the admiral, for the attack of Port au Prince, and urged it earneſtly; but it did not meet the admiral's approbation: Mr. Cotes ſeemed out of humour, and only ſpoke now and then by ſtarts, ſaying, "By G—d,

G—d, it did not ſignify ſtaying there, for the French ſhips would never come out while we were off the Cape (Nicholas) that he had intelligence of ſome Guinea men coming to the Cape, and he thought it would be better for us to go to windward, in order to intercept them." To this propoſal captain Forreſt replied, that a few days would make no difference, and by that time we might be at ſome certainty of their intentions. After a pauſe, the admiral ſaid, he had a good mind to ſend captain Forreſt off the iſland Gonave. Captain Forteſt anſwered, with all his heart, if the admiral thought proper. Another pauſe enſued. Then the Admiral added, "Well, you ſhall go, and I will keep the Princeſs Mary with me, in caſe we ſhould ſee any thing, for, by G—d, the Marlborough will catch nothing." He then gave captain Forreſt verbal orders to go off the Gonave, without further particulars; but ſtrictly enjoined him to return and join him and the Princeſs Mary on the Sunday following, (this being Thurſday) declaring, that if nothing was ſeen, he intended then to go to windward.

Theſe circumſtances do not carry the appearance of any diſpoſition being formed, as the time allowed was not ſufficient for putting any ſcheme in practice; indeed the manner in which he ſignified theſe directions, rather imply'd a deſpair of ſeeing the French ſhips, than any apparent expectation that they would fall in his way.

Beſides,

Beſides, he never communicated any diſpoſition to captain Forreſt, who, it may be ſuppoſed, ought to have been made acquainted with any plan, in which he was to have a principal ſhare in the execution.

However, captain Forreſt, unwilling to loſe the opportunity of executing a ſcheme which he himſelf had projected, took leave of the admiral, and immediately made ſail; but ſoon had a ſignal thrown out to chace to the N. E. though nothing was to be ſeen on this quarter but land, and that he muſt ſoon have been on board of. In an hour after, another ſignal was thrown out to chace to the N. W. though nothing appeared in this quarter; and in three hours he ſaw the ſignal for chaſing to the S. E. which, as nothing was to be ſeen, he regarded as a confirmation of the firſt orders, to ſeparate from the ſquadron. The Auguſta accordingly proceeded up the Bite, between the Gonave and the Salines de Coridon, with a ſtrong gale at North, whilſt the admiral and the Princeſs Mary ſtood the other way. The Auguſta then continued running up the Bite all that afternoon, next night, and till noon next day.

On the main of Hiſpaniola, between the platform and the eaſtmoſt entrance by the Gonave.

Here follows a copy of the Auguſta's day's work the 24th of December, from the Log book, concluding with a diſtinct liſt of the whole captures:

Remarks, Saturday 24th December, 1757.

"Wind variable, light airs, and fair weather; half paſt one P. M. tacked to the eaſtward, at

at three the ſchooner having got the breeze, ſtood up the *Cul de Sac*, the two ſloops tack'd and ſtood for St. Mark, forbore chaſing for fear of diſcovery, hoiſted Dutch colours, got down the mizen top-gallant yard and maſt, and diſguiſed the ſhip with tarpaulins; half paſt four ſaw three ſail to the windward of Leogan; at three quarters paſt ſaw ſeven ſail all ſteering to the weſtward, hauled from them to avoid ſuſpicion; at dark made all the ſail we could, and chaſed; at ten had ſight of two ſail as we ſtood in for Leogan, one on the weather, the other on the lee bow; at half paſt, that to leeward being about gun ſhot off, fired a gun, upon which we bore up for her, and the other diſcovering what we were, hauled for Leogan, at the ſame time had ſight of eight ſail to leeward, off Petit Goave; at eleven hailed the ſhip, told her what we were, ſhew'd two lower deck ports on the off ſide from the fleet, and threatened to ſink her if ſhe gave the leaſt alarm; upon which ſhe ſtruck, being the St. Pierre, from Port au Prince, immediately ſhifted priſoners, and put 35 hands on board, with orders to ſtand for Petit Goave, and cut off any of the fleet that might attempt that port, then made ſail, being little wind, after the remainder of the fleet; at half paſt four hauled down the royals, at dawn ſet them again, being within muſquet ſhot of the ſternmoſt ſhips, ſteering for the middle of the fleet; at the ſame time began to fire at all, as we could get our guns to bear, ſtill keeping on with a

Port au Prince.

little

little air of wind. The *Solide* ſtruck firſt, and then the *Marguerettа*, to whom we ſent our boats; the other ſhips all began to fire, and ſeveral hitting our maſts, yards, ſails, and rigging, particularly the *Theodore*, we were forced to yaw and fire the larboard broadſide, on which ſhe ſtruck; our boats were ſent on board her, and began to fire from her on the *Maurice le Grand* and *Flore*, who had haul'd cloſe to the ſhore; they then ſtruck; the yaul was ſent to cut off the brig which ſailed well, and whoſe people went on ſhore, and we took poſſeſſion; the *Brilliant* had ſtruck before, and the *Mars* made ſail, thinking to eſcape; all this was performed at about ſeven o'clock, Point Percé S. E. one mile; at eight ſhifted the priſoners, and made ſail after the *Mars*, the wind being variable and little of it, and ſhe almoſt becalmed; at twelve run along ſide of her and ſhe ſtruck; ditto brought to, head to the Southward, and made ſignal for the prizes to join, being in 5 fathoms water, Miragoave S. half E. about four leagues."

LIST *of the* WHOLE.

Ships Names	*Tonnage*	*Guns*	*Men*
L'Mars	500	22	108
L' Theodore	650	18	70
L'Solide	350	12	44
L'Margueretta	350	12	51
L' St. Pierre	300	14	40
L'Maurice le Grand	300	12	36
L'Flore	300	12	35
L'Brilliant	200	10	20
L'Manette, a brig	120	00	12
	3070	112	416

To

To theſe ſhips the Marlborough and Princeſs Mary put in their claims, tho' they were 30 leagues off at the time of the capture; becauſe they ſail'd from Port Royal together, and afterwards cruiſed together, becauſe the admiral had intelligence (ſay they) *and diſpoſed of his ſquadron to the beſt advantage*; finally becauſe he made a ſignal to chaſe, and therefore they were all employed on the ſame ſervice. This is the ſubſtance of their claim.

We deny any diſpoſition, but if we were to admit a diſpoſition, it was ſo very bad, that not a ſhip could have been taken by it.

In the firſt place: The faireſt way to refute this claim, is to ſtate the ſubſtance of every argument they can, or do uſe, and then anſwer each diſtinctly; the words in the act of parliament, veſting the property in the officers and mariners of every ſhip, are expreſs, *which they ſhall take*. Now no man can be properly ſaid to be a party in taking, who does not in ſome meaſure aid or aſſiſt. The intent of the act is to encourage people to do their duty in time of action, to draw them from foreign ſervice, and induce them to enter into the king's employment. Now what encouragement can it be for men going to action, to conſider there is a ſquadron cruizing 50 or 60 leagues off, that will ſhare the prize, tho' they muſt bear all the hazard of life and limbs; much better would it be, were it once reduced to a certainty, that the whole navy ſhould ſhare in all prizes, than that the people ſhould flatter themſelves with particular expectations from particular ſervices.

But there is ſtill another argument, which may be adduced againſt them. It is certain the

bounty money for men and guns is given on the ſame principle as the prize money, and it is a conſtant practice, that whoever ſhares in the laſt, partakes alſo in the firſt. Now the king's proclamation abſolutely limits the bounty, to thoſe *that ſhall have been actually on board any ſhip or ſhips in any action, &c.* and requires the oath of two or more priſoners, that they were taken by *ſuch ſhip and ſhips*. What priſoner then could ſwear that he was taken by the Marlborough and Princeſs Mary, which he knew nothing of?

Before theſe gentlemen can ſhare in theſe prizes, the law muſt certainly be alter'd. It was on this principle the lieutenants of the Centurion gained their cauſe; the others had equal trouble, equal riſk, equal duty, and equal ſervice; but they were veſted with no commiſſion for the Centurion, which the law poſitively required; whereas the caſe here is quite different, the claimants of the Marlborough and Princeſs Mary had neither riſk, trouble, danger, or merit, in any part, and yet they deſire to ſhare in the whole.

As to the plea of cruiſing together, we muſt obſerve, that when two or more ſhips ſeparate, by order of the commander in chief, ſo as to render it impoſſible for them to aid or aſſiſt each other in action; they then become as diſtinct as poſſible, and may as well be at the moſt remote diſtance.

With reſpect to the admiral's intelligence, and diſpoſition of his ſquadron, it can be of

no weight in this caſe, if he ſo diſpoſes of them, that they could not aid or aſſiſt each other in action, or partake of the danger. But for argument ſake, let us grant there was a diſpoſition; the merit of the plan centers in the admiral perſonally, for which he receives his dividend under the proclamation, eſpecially on this ſtation. But the Marlborough and Princeſs Mary ſurely can claim no merit from that diſpoſition; all the ſhips in England might ſhare together, from this principle.

The lords of the admiralty no doubt have intelligence, and diſpoſe of the ſhips accordingly; ſo the admiral in the Bay of Biſcay often ſeparates his ſquadron after joined together; ſo does the admiral in the Downs, yet no man ever thought of claiming under theſe circumſtances, except the Eſſex, which was the effect of mere envy and hunger, at the beginning of the war; but what became of ſuch claim, the caſe referred to will make appear.

We muſt inſiſt in the preſent caſe, that the admiral had not even the merit of the intelligence, or that there could be any diſpoſition, from reading the depoſitions attentively; and conſidering the geography of the coaſt, it will appear, that the firſt intelligence came from the Auguſta, and that there was no diſpoſition made, for the very paſſages through which the enemy were ſteering was left open; namely, to the ſouth of the Gonave, from whence their courſe lay through the gulph of Florida; a

circumſtance which alone deſtroys every argument they have ſuggeſted on that head. It is amazing to hear of this pretended diſpoſition, when it is notorious to the whole ſquadron, and appears from the depoſitions, that ſo little regard did the admiral pay to any intelligence he received, that no perſuaſion of capt. Forreſt could prevent him from permitting veſſels paſſing and repaſſing from Port au Prince, without queſtion or hindrance.

It is a fact beyond the leaſt colour of diſpute, that he actually allowed one Dutch ſchooner, and two flags of truce to paſs; the one from Providence, and the other from the Havannah.

The taking of theſe prizes by the Auguſta, was principally owing to good fortune, and the conduct of captain Forreſt, for a minute ſooner or later might have ruined all, and they would have made their eſcape, or otherwiſe have taken ſhelter at Petit Goave, from whence we conceive the Marlborough and Princeſs Mary could not have taken them out.

As to the building hopes on their having been employed in the ſame ſervice, will any man ſay, that cruiſing off Cape Nicholas, and fighting off Petit Goave, at the diſtance of 50 leagues, with an iſland between them, can be deemed one and the ſame ſervice?

If looking out for this fleet makes it the ſame ſervice, then a hundred privateers may claim, and ten were actually in the Bite of Leogan. With reſpect to their being employ'd

on the ſame kind of ſervice, we may obſerve that all the ſhips of the ſquadron here, and every where elſe, were in his majeſty's ſervice. Arguments like theſe are vague and inconclu-ſive, and can never have any weight before a court of judicature, govern'd by candour, com-mon ſenſe, and common juſtice.

As to the chaſing ſignals, there was nothing in ſight, conſequently they are nothing to the purpoſe, for ſurely, the admiral did not mean to chace thoſe ſhips that were in port, though the commander of the Auguſta would have been very glad to have received orders to cut them out; but his good intention in this reſpect was fruſtrated.

It would be a ſtrange authority veſted in an admiral, had he power to oblige ſhips going from his ſquadron, to ſhare with his officers and people, without any reciprocal obligation of their ſharing with him in return: Though it is not unuſual with admirals abroad to ap-point ſhips on cruizes, according to the ductil-ity of the commander, as he maintains or gives up his own judgment, or the intereſt of his officers and company, to the opinion and dictates of the commander in chief.

But to return to this diſpoſition, from which the admiral claims the whole merit of the cap-ture, tho' it muſt appear an impoſſibility upon common reflection, from the ſhortneſs of time allowed the Auguſta to be abſent: Yet no-thing is more certain, *than that no one ſtep of this eminent diſpoſition was followed, tho' it has*

been

been aſſerted upon oath that the whole ſucceſs was owing to the execution of this plan.

They have not made it appear however, that any part of the diſpoſition directed captain Forreſt to diſguiſe his ſhip; and to decline chaſing three veſſels in the morning, tho' importuned thereto: A ſtroke of management which had the deſired effect, and perſwaded the people at St. Mark's, that the Auguſta was a neutral ſhip, and they made the long ſhore ſignal accordingly, which likewiſe confirmed the deception to the fleet in queſtion, which the Auguſta made prizes of.

It was not owing to the admiral's diſpoſition, that the Auguſta got ſo critically round the Gonave at five o'clock, and then ſaw the enemy. Had ſhe appeared ſooner, they muſt certainly have diſcovered her, in ſpite of all endeavours to deceive them. And if it had been but a quarter of an hour later, the Auguſta could not have diſcovered the enemy. Certainly no diſpoſition could direct captain Forreſt to ſtand from the enemy at firſt ſight, inſtead of impetuouſly purſuing. Nor had this imaginary diſpoſition any merit in our juſt weathering the ſhoal, when we ſtood towards the enemy after night fall, and carried a fine breeze with us from Port au Prince, whilſt the enemy had little wind, betwixt Leogan and Petit Goave. There could have been no diſpoſition of the admiral, for two ſhips of the enemy to drop a ſtern, and that the Auguſta ſhould juſt fall in betwixt theſe two, cloſe to

Leogan,

Leogan, before the moon aroſe; that one of them ſhould be permitted to eſcape to Leogan, whilſt the other was taken without alarm to her concerts; tho' ſhe endeavoured to give them notice by firing a gun, which providentially had been loaded for ſcaling, and left undiſcharged, ſo that it made very little noiſe; had it been otherwiſe, the enemy muſt have taken the alarm, and ſecured themſelves in Petit Goave. Yet to theſe ſmall circumſtances, our ſucceſs was greatly owing; for at this time the moon aroſe, and ſhewed us the other eight ſail, and the lucky incident of one veſſel eſcaping left the number of ſhips the ſame as at firſt, ſo that the enemy had no ſuſpicion.

Under this deception we got very critically in the middle of the fleet, undiſcovered, by dawn of day, and were ſo ſituated that we could fire on four ſhips at one time.

Had we been forced to have attacked in the night, it would have been impoſſible to have compleated the capture; but it being juſt at point of dawn, we had all advantages of ſurprize in the night as well as light of day to ſhift the priſoners.

Was it owing to the admiral's diſpoſition that the Auguſta followed the Mars in a perilous ſituation? with 400 priſoners on board, and only 200 men to guard 400? work the ſhip and fight her? or was it owing to the ſaid diſpoſition, that the Auguſta came up with the Mars, who went infinitely better, and that

the

the Augusta had the advantage of every shift of wind; and lastly, that when the Mars struck her colours, she struck on a shoal; an incident which saved her from destruction, for she hung by the heel, and wore round on her length, on a point; whereas, if she had been free, she must have made a progressive curve, struck upon the breakers, and been beat to pieces.

There certainly appears to have been a disposition, throughout the whole, but a very different one from that of rear admiral Cotes; and whoever will consider the critical circumstances, which actually happened throughout the whole, must allow, that a disposition of providence over ruled, much superior to any human disposition. Fortune played in our favour, and captain Forrest and his officers improved every circumstance, to the greatest advantage; nor had the captain the vanity to ascribe the merit to himself, otherwise, than his acting the part of an officer, under the auspices of fortune, who seem'd to act in concert with him. The pains, fatigue, and precautions that were taken afterwards, to preserve this unprecedented capture, have deserved and received praises from our enemies, who bore witness to the vigilance used, and were sensible of the humane treatment they received; they therefore have not been backward, to bear testimony of the whole; and the taking of these ships, has gain'd captain Forrest more applause from the suffering French than from his

commanding

commanding officer, who gained fortune, and loſt no *reputation* thereby.

All theſe things conſidered, what elſe but the name of oppreſſion can be attributed to his interfering and promoting litigious law ſuits, to the diſtreſs and deſtruction of his majeſty's ſervice, in this part of the world; for by creating animoſities, and ill will amongſt the officers and people, and by taking the juſt property from thoſe, who have actually earned and deſerved it, he certainly diſcourages them from exerting themſelves in their country's ſervice for the future; eſpecially as he injures them, to indulge thoſe who have not deſerved indulgence on this occaſion.

A commander in chief exerting his influence to ſuch purpoſes, can ſurely reflect no honour upon his own character; every unprejudiced man will naturally think he ſhould be ſatisfied with the ſhare allowed him from all prizes, without endeavouring to embroil the ſervice, by adding that weight which his command muſt give him, to inforce partial opinions, diametrically oppoſite to the expreſs words and meaning of the act of parliament, which beſtows the right of the capture on the captors, expreſsly contrary to his majeſty's proclamation for the diſtribution of prizes, and contrary to the opinion of all mankind, who are free from the influence of partial prejudice; as likewiſe contrary to the uſual ancient cuſtom of his majeſty's ſervice, as may be verified by many inconteſtable precedents.

Remarks, &c. on the depoſitions, extracted from the return of the commiſſion.

Lieutenant Gidion of the Marlborough, in his depoſition to the 9th interrogation, *ex parte relat.* declares the Marlborough and Princeſs Mary were off the platform on the 24th of December (the day on which the prizes were taken) 25 or 30 leagues from Petit Goave, and about 9 leagues from the Gonave, or more; in which caſe it is certain there was ſufficient room for the French ſhips to have paſſed, between the Marlborough and Princeſs Mary, and the north ſide of the Gonave, unperceived by theſe ſhips, thro' the very channel they pretend to have been guarding, if they had thought proper to come that way; as in that channel they may run cloſe aboard the Gonave in deep water, and by ſteering to the weſtward, would certainly have eſcaped theſe vigilant cruiſers. It it is well known, that 6 leagues is a great way to ſee ſhips at ſea, tho' in very clear weather; and it is not pretended by themſelves, that they were nearer than 9 leagues to the Gonave. Mr. Thompſon, the maſter of the Marlborough, and Mr. Flemming, her pilot, ſwear alſo to the facts as above: Mr. Flemming likewiſe in his depoſition to the 10th interrogation, declares that neither the Marlborough nor Princeſs Mary, nor any perſon on board of them, was in any ways directing, aiding or aſſiſting, in chacing, intimidating or making prize of the 9 French ſhips in queſtion. And it is certain that they came ſo near the land,

land, rather to shelter themselves from a north wind, which then blew fresh, than with any view to guard the channel, as they have pretended.

Captain Craven, of the Princess Mary, indeed swears without reserve, that they might both have seen and heard the Augusta when she took the prizes, if the Gothave had been out of the way, tho' the above distance of 25 leagues, as we now state it, is proved by their own evidence; he also swears, that the Marlborough and Princess Mary were aiding, assisting, and intimidating the prizes taken by the Augusta, tho' in his deposition to the same interrogation, the swears they were neither present nor in sight. How these inconsistences can be reconciled, we are at a loss to comprehend.

The depositions of the claimants are almost word for word the same throughout their examinations, a circumstance that bears an odd aspect; how they could be so well satisfied of the admiral's orders to captain Forrest, and how they became thus acquainted with such orders, is something extraordinary, and a good deal inconsistent with the usual method of the service. None of these gentlemen were present when such orders were given, neither did captain Forrest communicate his orders to them; and it cannot be supposed the admiral made a publick declaration to them, though they seem all to be informed in every point, and lay much stress on the intelligence gained from the Danish

brigantine. It might not perhaps (as they conceived) have been so much to their purpose to have acknowledged that this very first intelligence was given by capt. Forrest to the admiral, on the 14th of December, that the Dane was brought to in the night by him, and sent to the admiral with a midshipman on board, for his satisfaction; though the admiral acknowledges this matter himself. But it is wonderful, how so many should be acquainted with orders which captain Forrest never received, and with a disposition which he knew nothing of, and that all should swear so pointedly to both, in almost the same words.

Strange it is indeed, that they should know so exactly the particulars of a disposition utterly unknown to captain Forrest, the second in command; unluckily they did not know that his allotted time of absence from the admiral did not exceed three days, and surely it must shock common sense to think or talk of a plan or disposition for cruising, and blocking up channels, in that period. Had they truly weighed this circumstance, and considered it, they could not have been so positive to plans which could never exist, but in an imagination warped by prejudice, and seduced by an illusive prospect of gain.

They swear to a circumstance which captain Forrest never knew, namely, that the Augusta was stationed between the Gonave and Petit Goave, in a channel (you'll observe) not above five leagues from shore to shoal, and that the

Marlborough and Princeſs Mary were guarding the other. Was not this employing two of his majeſty's ſhips very injudiciouſly? For who can ſuppoſe it would require more than the Auguſta in the above ſtation, to prevent every ſhip in the Bite of Laogan from ſtirring without their fortifications; but this particular ſhip (as matters appear to be now circumſtanced, and to anſwer their purpoſe of ſharing) was to perform wonders; ſhe was to ſail 37 leagues to the above ſtation, to block up the channel, to return the ſame diſtance in ſpite of winds, weather, calms, currents, &c. and all this to be perform'd in three days; an aſſertion, that would bring bluſhes in the countenance of any man not altogether loſt to a ſenſe of probity and ſhame: How then ought it to affect thoſe, who have aver'd it upon oath in the moſt ſolemn manner? By this time, we preſume, the reader is ſatisfied that no diſpoſition was made.

But if they ſtill perſiſt in affirming, that the capture of the nine ſhips was ſolely owing to this admirable diſpoſition, what will they urge, or with what face will they appear, when we prove beyond contradiction, that no ſuch excellent plan was ever put in execution; that if ſuch a plan had been executed, not a ſingle ſhip could have been taken. Had they choſen any other courſe but that in which they were met with by captain Forreſt, they might with great eaſe have harbour'd every ſhip, without a poſſibility of his preventing it; and if they had been harbour'd, when the Auguſta made her

appearance

appearance off Petit Goave, not one of them would have quitted the port; so that this curious plan, with all its positive assertions, must fall to the ground, and be held in derision.

The truth is, captain Forrest in the Augusta, not knowing of the disposition, nor having received any orders to station himself in that manner, fortunately proceeded upon a plan of his own formation, and enter'd the Bite of Leogan, at that channel which the Marlborough and Princess Mary pretend to have been guarding, tho' at 20 leagues distance; so that as the Augusta went in unperceived by the guardships, they (the French) might have likewise come out unperceived, and steering to the westward might have certainly escaped them.

The success of the capture was intirely owing to the conduct and management, particularly set forth and described in captain Forrest's and Mr. Johnston's depositions; and this exclusively, and abstractedly from any plan or disposition of the admiral, or any aid or assistance from the two other ships; neither was such disposition ever thought of, till after the prizes were taken, and then invented only to throw a gloss over their inconsistent claims, and to add some colour to their intention, of depriving the just captors of the reward due to an honest assiduity, joined to the uncommon fatigues and labours they underwent to obtain it, and which reward his majesty has most bountifully bestowed on them.

They

They do not pretend to be under any agreement, tho' it is proved, particularly by Mr. Eliot, ſurgeon of the Auguſta, and Mr. Hope, lieutenant of marines on board the Marlborough, that they endeavour'd to procure one: If ſuch agreement was not abſolutely neceſſary, and they could poſſibly be intitled to ſhare without, as ſeems to be ſuggeſted by the admiral, why all the applications to fix it by agreement? It is generally known, that ſhips 30 or 40 leagues off can be no ways aiding or aſſiſting, which is the only thing that can intitle them to ſhare.

This very circumſtance proves, that the Auguſta was never conſidered as inſeparably connected with the ſquadron under the command of Mr. Cotes; captain Forreſt received no orders to that effect, but ſailed by ſignal under his directions, not knowing his intentions, having no particular place of rendezvous in caſe of ſeparation, and hourly ſubject to ſuch orders as he thought proper to give, in the ſame manner as every ſhip of the ſquadron is when at anchor with the admiral in Port Royal harbour, where all ſhips preſent are of the joint ſquadron; but the moment they proceed under orders, as was the Auguſta's caſe, they cannot pretend to ſay they are joint, being ſeparated by thoſe orders.

As to being obliged to return to the admiral, every man muſt know, a ſhip is to return when the time limited for her ſeparate cruize is expired, if practicable.

The

The Marlborough and Princeſs Mary can't certainly pretend to any merit in the management or diſguiſing the Auguſta, which did not a little contribute to the capture, by deceiving the enemy; for critically as they did diſcover them, had they not been deceived by the Auguſta's conduct and diſguiſe, they had a port under their command, which would have ſecured them againſt the attacks of the Marlborough, Auguſta, and Princeſs Mary; and this muſt have been the caſe, had the ſuppoſed diſpoſition been followed.

It is proved the Marlborough and the Princeſs Mary were to the northward of Cape Nicholas, when left by the Auguſta, cruiſing together, and not ſeparate, in order to intercept them, and they were found to the northward of the Cape, in the ſame paſſive manner, when the Auguſta returned with her prizes; nay, when the prizes were taken, they were not within nine leagues of the Gonave, nor nearer at any other time, nor would they have ſtood in ſo near as that, but with a view to ſhelter themſelves from a hard north wind. If the intent had been to block up the paſſage, what buſineſs had they together ſo diſtant from the channel, or at any time to the northward of Cape Nicholas?

Captain Broadly ſwears, he believes the Anſon was allowed to ſhare, though ſeparate from the fleet, but does not obſerve the prize was in ſight when the ſignal for chaſing was thrown out.

As

As to the caſe of the Edinburgh ſharing the LeDour, mentioned by Mr. Hope, that ſhip was ſent in rather to prevent and ſuppreſs the pernicious and illegal cuſtom of ranſoming, without expectation of her being made prize, or any intention of dividing the money; though the judicious agent, for the Marlborough and Princeſs Mary, has taken upon himſelf both to divide that, and the ſalvage of a ſloop retaken, when the Edinburgh was in port, yet they ſhared not as being a joint ſquadron, but by ſome ſpecial agreement that was among them; and the circumſtances being as above, no one thought it worth his while to oppoſe it, nor did the Auguſta at that time know it, being at ſea.

It has been before obſerved, that the Marlborough and Princeſs Mary went to the ſouthward of the platform, to ſhelter themſelves from a ſtrong north, and not to block up the channel; for it is plain, they immediately returned off Cape Nicholas ſo ſoon as the weather would permit them.

The admiral very truly obſerves in his depoſition, that captain Forreſt ſo well knew the ſtation of the Marlborough and Princeſs Mary, that he ſent the captain of a privateer for the admiral's information, which joined him in two hours; but, with ſubmiſſion to the admiral, the privateer was diſpatched at ten in the morning, and did not join the admiral till nine at night, as appears by lieutenant Hope's depoſition; But this does not contradict the fact

 inſiſted

inſiſted upon by the captors, for the admiral did actually tell captain Forreſt, that he would cruiſe with the Princeſs Mary off Cape Nicholas till his return. Captain Forreſt left them to the northward of Cape Nicholas, and found them on his return to the northward, which plainly proves that their going further to the ſouthward was for ſhelter from the weather, and has no reſemblance of blocking up *channels*. But as great ſtreſs is laid on the depoſitions, importing, that captain Forreſt returned to the admiral, and that it was his indiſpenſable duty ſo to do, it becomes neceſſary to ſay ſomething more on that head: In captain Forreſt's depoſition he has explained, that it was not his indiſpenſable duty to return; but that he perſevered in hardſhips, and run a riſque of his life, fortune, and the ſhip he commanded, as well as of a recapture of all the prizes, from the great ſuperiority of the priſoners then on board his ſhip: All theſe dangers and inconveniencies he expoſed himſelf to, from an anxious deſire of ſhewing all poſſible reſpect to his commanding officer, knowing that the admiral would be uneaſy at his not returning at the appointed time! Will any officer ſay, that it was his indiſpenſable duty to encounter ſuch hazards and hardſhips? Or will any one ſay, that impoſſibilities could be effected? Suppoſe the Auguſta had loſt her maſts, would it have been his indiſpenſable duty to have lain in the ſeas, till accident had brought him in company with the admiral again,

again, or an enemy had taken him in that diſtreſſed condition? Or would it have been moſt his duty to have bore up for a port, where he would have lain in ſafety, and got refitted for further ſervice? If this be allowed, would it not have been equally his duty to have acted the ſecure part, for the ſafety of his majeſty's ſhip, the ſecurity of the captures he had made, and his own eaſe and ſafety? But he ſwerved from his duty in a point of reſpect, took the riſque of every gloomy circumſtance that can occur in ſuch his ſituation, with a view to give his commanding officer happineſs and content. From the reward he has received for this his aſſiduity, he has derived uſeful inſtruction, and what he may have loſt in favour, he has certainly gained in experience.

KINGSTON, JAMAICA,
June the 20th, 1758.

P.S. Capt. Forreſt and the other captains being under agreement to ſhare, he is quite diſintereſted in the event of the cauſe, further than in his deſire to procure juſtice to his officers and ſhip's company: And it is farther to be noted, that, at the deſire of his officers he propoſed to the admiral to leave the whole deciſion to an arbitration; but this was poſitively rejected by admiral Cotes, as was every other propoſal of capt. Forreſt's, for ſending the prizes to Europe for the general benefit of the captors.

Here about Capt.n Forrest parted Company from the Marlborough and Princess Mary and here they was Cruizing when the Augusta returnd with the Prizes.

Cape St Nicholas

1 2

Here the Augusta lost the Marlborough and Princess Mary and Sailed along the dotted Curve to y.e S.e Eastward while the Marlborough & Princess Mary Sailed to the N:W.

This dotted line shews the

Winds and Currents very uncertain in these parts.

Deep Water close to the Sho

GANI

Familla

Bee de Mollow

Here was taken 7 Sail of the Prizes between 6 & 7 in the Morning 24 Dec.r 1757

Mirogoane

A Scale of English Leagues.

2 3 4 5 10 15

The West Part of Hispaniola.

Here was the nearest distance to the Cannarve that the Marlborough & Princess Mary ever was according to their own Logbooks.

St. Mark

line shews the track of the Augusta.

Marlborough and Princess Mary by the Shore.

ANNARVE.

Marlborough made have escaped the

upon this Line the Bearing

Here was taken the Mars at ¼ past 11 at Noon 14 Dec.r 1757.

Port du Prince

Point of Petit Guave

Here was taken the St. Pierre at 11 in the Night between the 13 & 14 Decr 1757

Leogan